

## REMARKS

The applicants have received and reviewed the Official Action mailed on 19 August 2003. As noted in the Interview Summary attached to that Action, the Official Action mailed on 25 July 2003 did not include action on certain claims pending in the application. The applicants respond to the Office Action mailed on 19 August as follows.

The applicants appreciate the withdrawal of the 35 U.S.C. § 112, 1<sup>st</sup> paragraph issued pertaining to the specification and claims 1-6 and 44-48.

Regarding the claim objection stated in Paragraph 4, the applicants believe that claims 41-43 were cancelled without prejudice, waiver, or disclaimer by the applicants in their response mailed on 26 August 2002. To the extent that the subject matter formerly presented in those claims is presented in corresponding new claims 53-55, the applicants wish to cancel these new claims 53-55 to expedite prosecution of this application, but cancel these new claims without prejudice, waiver, or disclaimer of their right to prosecute claims directed to that subject matter in the future.

Paragraph 5 of the Official Action stated a rejection of claim 16 under § 112, 2<sup>nd</sup> paragraph. In response, the applicants have amended claim 16 to address the antecedent basis issue raised in the rejection. The applicants thus request consideration of this amendment and withdrawal of the § 112, 2<sup>nd</sup> paragraph rejection of claim 16.

Paragraph 8 of the Official Action stated a rejection of claims 1-3, 5, 6, 44, 46-48, and 53-55 under § 102(e) as being anticipated by Castonguay. In response, the applicants have amended independent claims 1 and 44 to recite the feature of enabling the employees to propose changes to their own work schedules after the schedules have been distributed to them. As discussed in the applicants' previous response in connection with other claims pending in the application, the applicants respectfully submit that Castonguay does not anticipate this feature, and thus does not support a § 102(e) rejection of these claims as now amended. As noted above, the applicants have canceled claims 53-55. The applicants thus request reconsideration and withdrawal of the § 102(e) rejections of claims 1-3, 5, 6, 44, 46-48, and 53-55 as being anticipated by Castonguay.

Paragraph 10 of the Official Action stated a rejection of claims 16-21, 23, 25-38, 40, 45, and 49-52 under § 103(a) as being unpatentable over Castonguay in view of O'Brien. In response, the applicants have amended independent claims 1, 8, 16, 25, 31, 44, and 49 to recite the feature of enabling the employees to initiate changes to their own work schedules without previous interaction with other employees with respect to these changes. Claims 36-40 are cancelled to solely to expedite prosecution of this application, and without prejudice, waiver, or disclaimer of the applicants' right to prosecute claims directed to this subject matter in the future.

The applicants further respectfully submit that the originally filed specification supports the above amendments under § 112, 1<sup>st</sup> paragraph, at least at page 39, line 1 through page 41, line 7, wherein the applicants discuss shift trades in connection with Figure 12.

The applicants submit that Castonguay in view of O'Brien does not support a § 103(a) rejection of the claims as amended herein, and thus request reconsideration and withdrawal of the § 103(a) rejections of the above claims. Turning to O'Brien in more detail, O'Brien teaches a system wherein a first employee wishing to swap shifts must first locate or find a second employee with whom to swap shifts. After finding a second employee with whom to swap, the first employee and the second employee must both submit corresponding or complementary swap requests to the system (O'Brien, column 8, line 53 through column 9, line 4). See also O'Brien, column 9, lines 5-15, discussing use of a bulletin board system to enable an employee to "find" another employee with whom to swap shifts. Thus, in the process of these employees locating each other to facilitate a shift trade or swap, there is some level of interaction between the employees before the swap is requested. In a call center enterprise comprising several sites that are geographically remote from one another, it may be quite difficult for a first employee who wishes to either pick up or drop all or part of an upcoming shift to find another employee with whom to participate, as taught by O'Brien. Potential "second" employees may be located in another country or another state, making personal outreach difficult and further complicating the shift trade.

In contrast, the applicants' invention as now recited in each of the independent claims avoids these complications by enabling the first employee to at least initiate the shift modification without any prior interaction with a second employee with respect to the shift modification. Accordingly, in the system taught and claimed by the applicants, for a first

employee to at least initiate a shift modification, there need not be any previous interaction between the first employee and any other of the employees involved in the shift modification. Thus, the first employee need not "find" any other participating or corresponding second employee before posting the proposed shift modification to the system. This feature of the invention may find particular applicability to call center enterprises having respective call center operations dispersed across different cities (See applicants' Specification, page 10, line 8), or even different states or different countries.

The rest of the claims pending in this application depend ultimately from the independent claims amended as discussed above, and thus these dependent claims are not discussed further herein.

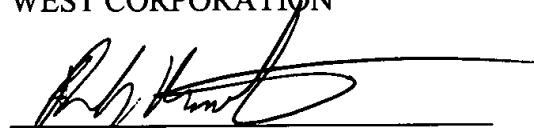
Favorable action at the earliest convenience of the Office is requested. If discussions with the applicants' representative would place this application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number provided below.

Respectfully submitted,

WEST CORPORATION

Dated: 20 Nov 03

By: \_\_\_\_\_

  
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